IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CIVIL WRIT PETITION NO. 2779 OF 2006

DATE OF DECISION: SEPTEMBER 07, 2006

Parties Name

New Deep Motors Regd.

..PETITIONER

VERSUS

State Transport Appellate Tribunal etc.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASBIR SINGH
HON'BLE MR. JUSTICE PRITAM PAL

PRESENT: Mr. Rajinder Sharma,
Advocate, for the petitioner.

Mr. B.S.Sewak, AAG, Punjab;

Mr. H.S. Sawhney, Sr. Advocate,
with Mr. B.S. Giri, Advocate, for respondent No. 3.

JASBIR SINGH, J. (oral)

JUDGMENT:

This writ petition has been filed with a prayer to quash the order dated February 9, 2006 (Annexure P-5), vide which application of the petitioner, to implead it as a party, in the pending appeal was dismissed. When notice of motion was issued, no stay was granted. It is an admitted fact that the appeal is still pending. Perusal of the order under challenge indicates that the Tribunal below has taken a too technical view of the matter and dismissed application of the petitioner. The petitioner is an existing operator on a part of the route in question. It only wished to be heard at the time of the hearing of the appeal. This Court is of the opinion that in the interest of justice, this prayer should have been allowed by the

Tribunal below.

Rules and procedure are handmaid of justice. These are meant to enhance its cause and not to scuttle the same. Their Lordships of the Supreme Court in Sardar Amarjit Singh Kalra (dead) by L.Rs. and others v. Parmod Gupta (Smt.) (dead by L.Rs. and others, (2003) 3 S.C.C. 272, in para 26 of the judgment had opined as under:-

> "Laws of procedure are meant to regulate effectively, assist and aid the object of doing substantial and real justice and not to foreclose even an adjudication merits of substantial rights of citizen under personal, property and other laws. Procedure has always been viewed as the handmaid of justice and not meant to hamper the cause of justice or sanctify miscarriage of justice."

View extracted above, was reiterated by their Lordships of the Supreme Court in N. Balajit v. Virender Singh and others, (2004) 8 Supreme Court Cases 312, wherein after noting ratio of the judgment, referred to above, in para 10 of the judgment, it was observed that the procedure would not be used to discourage the substantial and effective justice but would be so construed as to advance the cause of justice.

Consequently, this writ petition is allowed and the order under challenge is set aside. Tribunal below is directed to implead the petitioner as one of the respondents in the pending appeal and hear it at the time of final disposal of the appeal.

(Jasbir Singh)
Judge

(Pritam Pal)
Judge

September 07, 2006.
DKC